

# American Battle Monuments Commission

## Reasonable Accommodation Procedures

### I. GENERAL PROVISIONS

#### A. Purpose

This document sets forth American Battle Monuments Commission (ABMC) policy and procedures for responding to requests for reasonable accommodation from individuals with disabilities.

#### B. Background

1. Executive Order 13164 requires all Federal Agencies to establish procedures for handling requests for reasonable accommodations for persons with disabilities. ABMC policies and procedures fully comply with the Rehabilitation Act of 1973. By law, Agencies must provide reasonable accommodations to qualified individuals or applicants with disabilities, unless doing so would cause undue hardship. ABMC is fully committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals enjoy employment benefits and access equal to those of employees without a disability.
2. Reasonable accommodation applies to requests from qualified individuals with disabilities who require an accommodation to complete the job application and hiring process, to perform the essential functions of their current position, and/or to enjoy equal benefits and privileges of employment as those enjoyed by employees and job applicants without a disability.
3. Examples of reasonable accommodation may include but are not limited to:
  - a. **Leave:** A supervisor may approve leave as an accommodation consistent with ABMC's leave policy. An employee who requests leave under the Family Medical Leave Act (FMLA) may also be entitled to leave as an accommodation.
  - b. **Adjusted work schedule or location:** A Deciding Official may adjust an employee's work schedule or location as a reasonable accommodation. The ability to adjust a work schedule depends on division or department operations, the need for the employee's duties to be performed at a certain time of day, and the nature of the employee's duties. ABMC may accommodate an employee by granting a request for an alternative work schedule. ABMC may also accommodate an employee by granting a request for an alternative work location.

- c. **Modified duties:** An employee may request modified duties as a reasonable accommodation, provided that such modifications do not affect the essential functions of the position. In considering modified duties, the Deciding Official must examine the nature of the duties in question, whether anyone else is available to perform the duties and the impact of the modified duties on the work required to be performed by the employee's position.
  - (1) ABMC is not required to create a light-duty assignment or to otherwise eliminate the essential functions of an employee's position to accommodate an individual with a disability.
  - (2) ABMC may assign an employee to a light-duty assignment only temporarily when the employee has a temporary impairment, and a light-duty assignment is available. This temporary assignment is not a reasonable accommodation.
- d. **Assistive devices:** ABMC may provide assistive devices as a reasonable accommodation. ABMC partners with the Department of Defense Computer/Electronic Accommodations Program (CAP), which provides assistive devices at no cost to qualified individuals with disabilities.
- e. **Reassignment:** ABMC must consider reassignment as a form of reasonable accommodation when a Deciding Official determines that no other reasonable accommodation will enable an employee to perform the essential functions of the employee's current position. In making that consideration, the Agency:
  - (1) may only reassign an employee to a position that is vacant and authorized to be filled, and for which the employee meets the minimum qualification requirements. ABMC is not required to create a vacant position to accommodate an employee through reassignment.
  - (2) will first consider all vacant positions at the same grade level and rate of pay for which the employee is qualified. If no such position is available, ABMC may consider vacant lower-graded positions for when the employee is qualified.
  - (3) The Reasonable Accommodation Coordinator (RAC) will work with the Human Resources Office (HRO) to search for vacant positions. To facilitate a search for suitable available vacant positions, the employee must furnish the RAC with a current resume.

Section IV provides guidance on *Reassignment as Reasonable Accommodation*.

## **C. Policy**

It is ABMC's policy to provide reasonable accommodation and personal assistance services to eligible employees and job applicants unless doing so would impose an undue hardship on the agency. Reasonable accommodation procedures shall be available to employees and job applicants in written and accessible formats, including ABMC internal and public websites.

## **D. Responsibilities**

### **1. Employees and Applicants**

Employees with a disability who wish to be considered for reasonable accommodation should inform their immediate supervisor or other Deciding Official within their leadership chain or the RAC. The request may be verbal or in writing. A request for a reasonable accommodation may also be made to the Deciding Official even if they have proposed to take a performance or conduct-based action. Employee responsibilities also include, but are not limited to:

- a. Providing medical documentation (when necessary).
- b. Suggesting effective accommodations that enable the essential job functions to be performed.
- c. Seeking guidance from the RAC.
- d. Documenting the accommodation request and submitting it to the Deciding Official for consideration.
- e. Providing information about their disability and needs.
- f. Working cooperatively with the Deciding Official to arrive at a suitable accommodation.
- g. Completing and submitting ABMC Form 13.5A, *Request for Reasonable Accommodation*, to the Deciding Official. (See Appendix B)

### **2. Deciding Official**

The Deciding Official is responsible for making decisions regarding a reasonable accommodation request.

- a. The Deciding Official for ABMC employees requesting reasonable accommodation is generally the immediate supervisor of the employee who requests an accommodation.
- b. The Deciding Official for ABMC job applicants requesting reasonable accommodation to perform the duties of the position for which they are applying is generally the gaining supervisor of the position.
- c. The Deciding Official for ABMC job applicants requesting reasonable accommodation for any part of the application process is the Human Resources Specialist handling the recruitment.

- d. Under extenuating circumstances (availability, conflicts, etc.) these authorities may be delegated to another leadership official within the requestor's current or prospective supervisory chain.

The basic responsibilities of the Deciding Official include, but are not limited to:

- a. Seeking guidance from the RAC.
- b. Communicating effectively to engage in the Interactive Process.
- c. Ensuring the prompt handling of requests.
- d. Collaborating effectively to implement an effective accommodation that will enable the essential job functions to continue.
- e. Adhering to established timeframes to review and make a decision.
- f. Reviewing ABMC Form 13.5A, *Request for Reasonable Accommodation*.
- g. Preparing and signing ABMC 13.5B, *Confirmation of Request for Reasonable Accommodation*, and/or ABMC Form 13.5C, *Denial of Reasonable Accommodation*, once a decision has been made. (See Appendix B)
- h. Providing the employee and the RAC with copies of ABMC Forms 13.5B and/or 13.5C, as appropriate.
- i. Seeking to fully understand the reasonable accommodation laws and requirements.
- j. Ensuring safe recordkeeping and/or proper disposition of an employee's medical documentation.
- k. Consulting with the General Counsel and Chief of Human Resources and Administration when a reasonable accommodation is requested in conjunction with an anticipated or impending performance or conduct-based action.

In the event the Deciding Official is unable to fulfill his or her responsibilities, the request shall be elevated to the next higher level in the requestor's leadership chain.

### **3. Reasonable Accommodation Coordinator (RAC)**

The Chief of Administration is the ABMC Reasonable Accommodation Coordinator. The RAC is responsible for program management and oversight. Primary responsibilities include, but are not limited to:

- a. Serving as the ABMC liaison on all reasonable accommodation matters.
- b. Providing guidance, policies, and procedures to employees needing a reasonable accommodation and to their Deciding Official.
- c. Requesting and evaluating medical documentation and determining whether a requesting individual has a disability or a targeted disability.
- d. Assisting the Deciding Official in understanding the requesting individual's limitations and determining what, if any, accommodations are appropriate.
- e. Maintaining reasonable accommodation records, including records of medical documentation and associated documents for reasonable accommodation requests.
- f. Serving as a Deciding Official if the regular Deciding Official has a conflict of interest or is unavailable.

- g. Facilitating reasonable accommodation requests and offering suggestions and resources to bring resolution. (See Appendix A – *Resources*)
- h. Facilitating the Interactive Process by assisting employees, job applicants, supervisors, managers, and Deciding Officials in processing reasonable accommodation requests and reaching appropriate resolutions.
- i. Attending training to stay current on ADA laws and/or Rehabilitation Act updates and developments.
- j. Providing training on reasonable accommodation procedures and the rights and responsibilities of employees, job applicants, and managers for the procedures.
- k. Advising and training staff involved in the job application process to recognize and handle requests for reasonable accommodation.
- l. Serving as the Deciding Official for reasonable accommodation requests by job applicants if the HRO Staffing Specialist is unable to do so.
- m. Updating and maintaining reasonable accommodation forms 13.5A, 13.5B, and 13.5C, and preparing ABMC Form 13.5D, *Reasonable Accommodation Request Tracking* (See Appendix B).

#### **4. Disability Employment Program Manager (DEPM)**

The Chief of Human Resources and Administration is the ABMC Disability Employment Program Manager (DEPM) and has overall responsibility to ensure agency compliance with obligations to provide effective reasonable accommodations to qualified individuals with a disability. In extenuating circumstances, such as accommodation requests from senior management officials or RAC conflict of interest, the DEPM shall perform the duties of the RAC.

#### **E. Penalty**

Employees that violate the provisions of this policy, including employees that provide false or fraudulent information in connection with a request for a reasonable accommodation, may be subject to disciplinary action, up to and including removal from employment.

#### **F. Applicability**

This policy applies to all ABMC employees and applicants for employment.

#### **G. Mandatory Review**

ABMC will review this policy and perform a gap analysis every three (3) years to ensure that the policy is current and complete. This review may occur earlier if warranted by changes in Federal legislation, Department of Justice or Equal Employment Opportunity Commission guidance, or ABMC policy.

## **II. REASONABLE ACCOMMODATION PROCESS AND PROCEDURES**

### **A. Initiating the Reasonable Accommodation Request**

#### **1. Employees**

It is the responsibility of the employee to request a reasonable accommodation, or someone can make the request on behalf of the employee if that individual is unable to do so. A request does not have to use any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication, oral or written, in which an individual asks or states that they need the agency to provide, change, or adjust something at work for a reason related to a mental or physical impairment.

- a. Any request for change or modification to the workplace, how assigned duties are performed, job application procedures, or assistance with performing daily activities at the workplace, which is related to a medical condition, may be considered a request for a reasonable accommodation. Examples of requests for reasonable accommodation include:
  - (1) An employee tells their supervisor that they have difficulty seeing their computer screen because of significant vision loss.
  - (2) An employee has exhausted their FMLA leave and requests additional unpaid leave when their multiple sclerosis flares.
  - (3) An employee has difficulty sitting at their desk for long periods following a car accident and requests a different type of chair.
  - (4) An employee with a job-related injury seeks to return to work with restrictions that prevent them from performing all of their job duties.
- b. In most cases, an employee may request a reasonable accommodation from their first-line supervisor or other designated officials and submit a written request using ABMC Form 13.5A, *Request for Reasonable Accommodation* (see Appendix B). On occasion, it may be appropriate to submit the request to a second-line supervisor.
- c. If an employee initially makes the request orally, they should follow as soon as practical with a written request using ABMC Form 13.5A.
- d. Although the agency asks for a written form for record-keeping purposes, the time limit for processing the reasonable accommodation request starts as soon as the oral request is made. Accordingly, the agency is not allowed to wait until a written request form is received to begin processing the request; the supervisor must begin processing the request upon receipt of any oral or written request.

- e. An employee may request a reasonable accommodation at any time during their employment. An employee with a disability is not precluded from requesting a reasonable accommodation because they did not ask for one when applying for a job or receiving a job offer, or if their condition changes throughout employment. Rather, an employee should request a reasonable accommodation when they learn there is a workplace barrier that is preventing them, due to a disability, from effectively competing for a position, performing a job, or receiving equal access to the privileges and benefits of employment. Employees are encouraged to request a reasonable accommodation before their performance suffers or conduct problems occur.
- f. Employees who have recurring or ongoing requests for reasonable accommodation do not need to fill out the ABMC Form 13.5A or otherwise make a formal request each time accommodation is needed. Employees should give appropriate advance notice each time the recurring accommodation is needed unless otherwise arranged with the Deciding Official.
- g. Where feasible, individuals should notify the Deciding Official at least 7 to 10 business days before the date the accommodation is needed to allow sufficient time to coordinate the accommodation. Examples of recurring or ongoing requests include sign language interpreter services, readers, and accommodations for participation in training programs (e.g., providing printed handouts in large font or ensuring access to assistive technologies at training sites).

## **2. Job Applicants**

All vacancy announcements must designate at least one point of contact within the ABMC human resources office (HRO) for applicants to request a reasonable accommodation. To avoid delay in processing the request and providing a timely accommodation, an applicant should inform the HRO point of contact as soon as they realize the need for a reasonable accommodation for any aspect of the hiring process.

An applicant may request a reasonable accommodation orally or in writing from any agency official with whom the applicant has contact in connection with the application process. If this occurs the official who receives the request should notify the HRO of the request no later than two (2) business days from the date of the request.

## **3. Third-Party Requests**

A family member, friend, health care professional, or other representative may request a reasonable accommodation on behalf of an individual with a disability. When a third party makes such a request the supervisor or Deciding Official should confirm with the employee or applicant whether they want the reasonable accommodation before proceeding. If this is not possible the supervisor or Deciding Official should process the request if it seems appropriate and will consult directly with the individual that needs the accommodation as soon as practicable.

**Note:** An employee or job applicant may monitor the processing of their reasonable accommodation request by contacting the RAC or the Deciding Official.

## **B. Processing Requests for Reasonable Accommodation**

### **1. Deciding Official**

In most cases, the Deciding Official is the immediate supervisor of the employee requesting accommodation. If the employee requesting accommodation is uncertain of how to contact their Deciding Official, they should contact the RAC (ABMC Chief of Administration) at 703.584.1532 for the Deciding Official's contact information.

The Deciding Official receives and processes the request for reasonable accommodation regardless of the type of accommodation the employee is seeking and notifies the employee of the final decision on their request for reasonable accommodation.

- a. In consultation with the RAC, the Deciding Official may request medical documentation when the employee's need for accommodation is not obvious and if there is not sufficient medical information on record that demonstrates that need.
- b. The Deciding Official may consult with the appropriate HRO, OGC, RAC, and/or EEO office as needed to process the request. The Deciding Official must consult with the HRO when an accommodation is requested in conjunction with an anticipated or pending performance or conduct-based action.
- c. Deciding Officials should begin processing oral requests immediately, even while waiting for the employee to complete forms or provide other written documentation. They should communicate with the employee in writing to acknowledge the request, explain who will make the decision on the request, and describe what will happen during the process.
- d. The RAC will assist requesting individuals and Deciding Officials in identifying resources and information concerning reasonable accommodations. Individuals with disabilities and agency decision-makers can consult EEOC guidance and technical assistance documents, as a minimum, to identify and evaluate possible accommodations and those listed in Appendix A – *Selected Resources*.

### **2. Acknowledgment of Request**

The Deciding Official or the RAC must promptly reply to a request for reasonable accommodation in writing to notify the requesting individual that the request was received and to explain the decision-making process, including the fact that the individual may be required to provide relevant medical information, and document each request on an ABMC Form 13.5B, *Confirmation of Request for Reasonable Accommodation* (Appendix B), providing a copy to the requester.

### **3. Interactive Process**

- a. A request for reasonable accommodation begins the Interactive Process. When appropriate, the RAC will facilitate the Interactive Process.
- b. In consultation with the requesting individual and the RAC, the Deciding Official determines the requesting individual's eligibility for reasonable accommodation and identifies possible accommodations.
- c. The Deciding Official contacts the requesting individual as soon as possible after the request is received and communicates with the individual frequently throughout the decision-making process, orally and/or in writing.
- d. The Deciding Official must be proactive in researching and considering possible accommodations, including consulting resources listed in Appendix A.
- e. The Deciding Official considers the resources available to ABMC as a whole when considering whether or not an accommodation would impose an undue hardship on the agency.
- f. The RAC assists requesting individuals and Deciding Officials in identifying resources and information concerning possible accommodations, determining appropriate accommodations, and seeking possible alternatives to the requested accommodation, as appropriate.
- g. ABMC is only required to provide an effective accommodation, not necessarily the accommodation that the employee or job applicant requested in providing a reasonable accommodation.

### **C. Time Limits for Processing Requests and Providing Reasonable Accommodation**

#### **1. Response to Request**

- a. The time limit for providing and/or denying an accommodation is 20 workdays and starts when the accommodation is first requested, regardless of whether oral or in writing.
- b. The Deciding Official must notify a requesting individual in writing of the projected time frame for processing the employee's request for reasonable accommodation, including extenuating circumstances that justify the delay.
- c. If processing a request or providing accommodation is delayed, the Deciding Official must notify the requesting individual in writing of the reason(s) for the delay.

- d. The Deciding Official must grant or deny a request for a reasonable accommodation as soon as practicable but no later than 20 workdays after receiving the request, except as follows:
  - (1) The Deciding Official shall make every effort to expedite the processing of a reasonable accommodation request when an accommodation is needed sooner than within 20 workdays.
  - (2) When a particular reasonable accommodation can be provided in less than 20 workdays, a Deciding Official's failure to promptly provide the reasonable accommodation may result in a violation of the Rehabilitation Act.
- e. The Deciding Official is not expected to adhere to the 20-workday requirement in the following circumstances:
  - (1) When a request for reasonable accommodation cannot be completed because the requesting individual's healthcare professional fails to provide necessary medical documentation promptly; or
  - (2) Delivery of a necessary piece of equipment is delayed.
- f. An employee or job applicant may monitor the processing of their reasonable accommodation request by contacting the RAC or the Deciding Official.
- g. If the Deciding Official, in consultation with the RAC, determines that an employee or job applicant is entitled to a reasonable accommodation that cannot be provided immediately, the Deciding Official will provide an interim reasonable accommodation if it is possible to do so without ABMC incurring undue hardship.
- h. The agency periodically takes measures to avoid unnecessary delays by reviewing and modifying policies that might affect the ability to respond to accommodation requests, including the purchasing or leasing of equipment, coordination with other government agencies, and the hiring or contracting for readers, interpreters, or other assistants; and flexibility to approve leave or restructure work schedules.

### **III. MEDICAL INFORMATION**

When the need for the requested accommodation is obvious, it is generally not necessary for the employee to provide medical documentation. For example, it is not necessary for an employee who uses a wheelchair to submit medical information for the reasonable accommodation of raising an office desk or adjusting other furniture in the workspace. Similarly, medical information should not be required from a deaf applicant to have sign language interpreting services provided during an interview.

Medical information may be requested to document a claimed disability and the need for accommodation when the functional limitations caused by the disability and the need for

accommodation are not obvious or have not been previously disclosed; the information submitted by the employee or applicant is insufficient to document the disability or the need for the reasonable accommodation or the functional limitations the disability causes; or, the extent, duration, or effectiveness of a requested accommodation is not clear. Documentation unrelated to the disability claimed should not be requested.

#### **A. Required Medical Information**

If the nature of a requesting individual's disability and the need for accommodation is not obvious or previously documented, the RAC may require the individual to provide medical information to substantiate the nature of the disability, the need for reasonable accommodation, and how the requested accommodation will assist the individual in applying for a job, performing the essential functions of a job, or enjoying the benefits and privileges of the workplace.

1. The RAC, in consultation with the Deciding Official, determines what medical information is required.
2. Only the RAC may request medical information concerning an individual who has requested an accommodation or services.
3. If a requesting individual provides medical documentation to the individual's supervisor, another supervisor or manager in the immediate supervisory chain, or, in the case of a job application, a Human Resources Specialist, the recipient must deliver such documentation promptly to the RAC.
4. Medical information must be prepared by an appropriate healthcare professional, such as a doctor; psychologist; nurse; physical, occupational, or speech therapist; vocational rehabilitation specialist; or licensed mental health professional.
5. If medical information provided by the requesting individual or a health care professional is not sufficient to enable ABMC to decide on the accommodation request, the RAC may request additional medical information. However, the agency may not request medical information where (a) both the disability and the need for reasonable accommodation are obvious, or (b) the individual has already provided the agency with sufficient information to document the existence of the disability and their functional limitations.
6. The RAC may ask a requesting individual to sign a limited release that will allow ABMC to seek specific information relating to the individual's disability and functional limitations.
7. The RAC must limit requests for medical documentation to the disability at issue, its functional limitations, or the need for accommodation or services.
8. ABMC retains the right to have an individual's medical information reviewed at Agency expense by a medical expert of ABMC's choosing.

9. Genetic Information: The RAC may not seek genetic information from the requesting individual or family members, and individuals requesting an accommodation may not provide genetic information when responding to requests for medical information.

## **B. Confidentiality**

ABMC must keep medical information obtained in connection with a request for reasonable accommodation confidential. ABMC staff members who obtain or receive such medical information are bound by the following confidentiality requirements:

1. All medical information, including information about functional limitations that ABMC obtains in connection with a request for reasonable accommodation, must be kept only in the requesting individual's reasonable accommodation folder in the human resources office.
2. All medical information obtained or created during the processing of a reasonable accommodation request will be maintained by the RAC except:
  - a. Supervisors and managers may be informed about any necessary accommodations or restrictions on the work or duties of a requesting employee.
  - b. First-aid and safety personnel may be informed of relevant medical information, when appropriate if the employee or job applicant requires emergency treatment.
  - c. Relevant medical information shall be provided upon request to authorized government officials who are investigating ABMC compliance with the Rehabilitation Act.
  - d. Medical information may be released when required by lawful order from a court of competent jurisdiction.

- C. **Disability Determination:** The RAC will determine whether or not the individual has a disability or targeted disability based on the medical information provided by the requesting individual.

## **IV. REASSIGNMENT AND THE REASSIGNMENT PROCESS**

### **A. Reassignment as Reasonable Accommodation**

Reassignment is an accommodation of last resort that is considered *only if* there are no other effective accommodations that would enable the employee with a disability to perform the essential functions of his or her current job or if all other possible accommodations would impose an undue hardship. Reassignment may only be made to a vacant position. The law does

not require the agency to create a new position or to move others from their jobs to create a vacancy.

Four factors must be taken into account when preparing to consider reassignment as a reasonable accommodation: Identification of positions, the availability of a position for reassignment, the existence of equivalent positions, and whether relocation would be required.

### **1. Identification of Positions**

The Deciding Official should work with the HRO and the employee requesting the accommodation, to identify:

- a. All appropriate vacant positions within the component for which the employee may be qualified, with or without reasonable accommodation.
  - (1) All appropriate positions that the HRO has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified.
  - (2) All appropriate positions within the agency for which the employee may be qualified.

### **2. Reassignment Availability**

The ability of ABMC to reassign an employee who is no longer medically qualified for his or her position is limited. However, every effort should be made to identify potentially suitable positions for which the employee is qualified and can perform the essential functions of the job with or without reasonable accommodation.

### **3. Position Equivalency**

The HRO should first focus on positions that are equivalent to the employee's current job in terms of grade level, pay, status, and other relevant factors for which he or she is qualified. If there is no vacant equivalent position available, vacant lower graded positions for which the individual is qualified should be considered.

### **4. Relocation**

Reassignment may be made to a vacant position outside the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, ABMC may not pay for the employee's relocation costs unless ABMC policy provides for such payments for non-disabled employees.

## **B. Reassignment Process**

Before beginning the reassignment process the supervisor/Deciding Official will meet with the RAC, HRO, and/or OGC and will consider all available information to determine (1) whether the employee is a qualified individual with a disability such that they would be entitled to an accommodation provided that the accommodation would not create undue hardship or pose a direct threat to self and others; (2) whether reassignment is necessary (employee cannot perform the essential functions of their current position with or without reasonable accommodation); (3) that no other reasonable accommodation can be made in the employee's current position or component; and (4) whether the employee or their healthcare provider has provided sufficient information regarding the disability to determine whether the employee could perform the essential functions of a current vacancy with or without an accommodation.

### **1. Search within an ABMC Component**

Once it is decided that reassignment would be appropriate, as soon as possible after being notified by the Deciding Official the HRO will begin reviewing current job vacancies by grade level and job series. The HRO will obtain additional information from the employee to determine their qualifications based upon their resume and any relevant certifications, education, or training information. In addition to current vacancies, the HRO will consider positions that may become vacant within 60 days, (e.g., pending retirements, reassignments, and resignations). A position is vacant until a formal job offer has been made to a job candidate. Open recruitment and selection processes will be placed on hold for suitable vacancies closest to the employee's current grade level and salary range. The HRO should consider the employee's preference in terms of job location and whether there are multiple suitable vacancies available.

- a. The search must be completed within 15 business days of the request.
- b. The employee will be extended a written offer for the position if a suitable position is found. If there are multiple suitable positions, the employee will be notified of this and will be allowed to express a preference. Ultimately, the HRO will determine the best placement, taking into account the employee's preference and the needs of the agency.
- c. If the employee does not accept the offered position within 10 business days, or if no suitable position for reassignment is found after conducting the agency-wide search described below, the employee will be notified in writing that they may pursue disability retirement with the Office of Personnel Management (OPM) or voluntarily separate instead of removal.

### **2. Agency-wide Search**

- a. If a suitable job vacancy is not available within the component, the HRO has 15 business days from the date it was notified of the request by the Deciding Official to conduct an agency-wide search for a suitable vacancy. HRO will review the

employee's resume and any other job qualifying information and respond within 15 business days as to whether or not a suitable position has been identified.

- (1) The HRO will review all vacancies at or below the employee's current or equivalent grade/salary range by job series for which the employee meets the minimum qualifications.
- (2) The HRO will review position descriptions and confer with the employee, as necessary, to determine whether the employee can perform the essential job functions with or without reasonable accommodation. Open recruitment and selection processes will be placed on hold for suitable vacancies closest to the employee's current grade and salary range. 29 C.F.R. §1630.2(o)(2)(ii).

b. Upon completion of a job search (15 business days):

- (1) If there are one or more positions for which the employee is qualified the HRO will share this information with the employee. The employee will provide feedback within three business days about possible job placements. The HRO will ultimately determine the most appropriate placement after considering the employee's preference, work history, and job location.
- (2) Once the appropriate position is identified a written offer will be made to the employee by the component HRO. In those instances where a security clearance is required the employee will be provided a conditional offer of employment pending successful adjudication of a background investigation and other relevant suitability factors. The employee will have 10 business days from the date of receipt of the written offer to accept it. The written offer shall inform the employee that if they decline the offer, or fail to otherwise respond within 10 working days, ABMC will have no further obligation to seek other accommodations for the employee.

c. If a vacancy at or below the employee's current or equivalent grade level and salary range is not identified for which the employee is qualified and can perform with or without reasonable accommodation by the end of the 15-day job search period, the Deciding Official and the HRO and/or RAC will meet with the employee. They will inform the employee that the attempt to accommodate them through reassignment was unsuccessful. The employee may pursue disability retirement or consider voluntary separation instead of removal.

## **V. NOTICE OF DECISION**

**A.** The Deciding Official must consult with the RAC in deciding whether to grant or deny a request for a reasonable accommodation.

## **B. Request Granted**

1. If the Deciding Official, in consultation with the RAC, determines that an employee or job applicant is entitled to a reasonable accommodation that cannot be provided immediately, the Deciding Official will provide an interim reasonable accommodation if it is possible to do so without ABMC incurring undue hardship.
2. If a request for reasonable accommodation is granted, the Deciding Official must notify the requesting individual in writing, in an accessible format when requested. The notice must contain:
  - a. A description of the approved accommodation.
  - b. A statement of the need for periodic evaluations/reassessments of the necessity and effectiveness of the accommodation.
  - c. A description of the alternative accommodation and an explanation of the reasons for the alternative, if provided.

The Deciding Official should use ABMC Form 13.5B, *Confirmation of Reasonable Accommodation Request* (See Attachment B).

## **C. Request Denied**

1. Reasons for which ABMC may deny a request for reasonable accommodation include, but are not limited to:
  - a. The requesting individual is not eligible for a reasonable accommodation.
  - b. Undue Hardship. In determining that the requested accommodation would impose an undue hardship on ABMC, the Deciding Official must consider all resources that are available to the agency, excluding those that are designated by statute for a specific purpose that does not include reasonable accommodation.
  - c. The requesting individual is unable to perform an essential function of the position, even with the proposed reasonable accommodation.
  - d. The requesting individual would create a direct threat to safety on the job, even with the proposed reasonable accommodation.
2. The Deciding Official must provide the requesting individual with written notice of denial in an accessible format when requested. The Deciding Official should use ABMC Form 13.5C, *Denial of Reasonable Accommodation Request* (See Attachment B). The notice must explain:
  - a. The reasons for the denial.

- b. Any alternative accommodation that is being offered.
- c. The right of the employee or job applicant to appeal the denial and provide instructions on how to file such a complaint.

## **D. Appeals**

Individuals with disabilities may request prompt reconsideration of a denial of reasonable accommodation.

### **1. First Level Reconsideration**

If an individual desires reconsideration, they should ask the supervisor or Deciding Official to reconsider the decision within 10 business days of notification of the decision. The individual should present additional information to support the request, if any, at that time. The designated management official will respond to the request for reconsideration within 10 business days.

### **2. Second Level Reconsideration**

If the supervisor or Deciding Official does not reverse the decision, the individual can ask the second-line supervisor or other official designated by the Head of Component for this purpose to do so. The response to a request for reconsideration must be made within 5 business days.

## **E. Informal Dispute Resolution and EEO**

### **1. Informal Dispute Resolution**

As an alternative, the employee may also request the assignment of a mediator from the ABMC Alternative Dispute Resolution Program (ADR) to assist the employee and management with reaching an agreement about an accommodation request within 10 business days of the denial. An individual's participation in the ADR process does not satisfy the requirements for timely filing an EEO claim, an appeal before the Merit Systems Protection Board (MSPB), or a grievance.

### **2. EEO Complaint**

An employee or applicant for employment who believes they were unlawfully denied an accommodation, did not receive an accommodation, or experienced an undue delay in processing and granting an accommodation may file a complaint of discrimination. The denial notice must inform the employee or applicant that they must initiate EEO contact within 45 calendar days of receiving the denial notice.

- a. A claim alleging the denial of a personal services assistant, whether to assist with job performance or with personal care, may be made and will be addressed using the federal sector EEO complaint process.
- b. An employee or applicant may also file a complaint of discrimination alleging retaliation as a result of requesting an accommodation or otherwise participating in the process to obtain one.
- c. An employee or applicant who believes they were subjected to unlawful discrimination and desires to file a complaint of discrimination must contact an ABMC EEO counselor within 45 calendar days of the alleged discriminatory action, regardless of whether the applicant or employee participates in an informal dispute resolution process.
- d. The request for an EEO counselor should be made to the ABMC EEO office. The employee may also request mediation during EEO counseling.
- e. The employee or applicant may also file a mixed case complaint with the EEO office for an accommodation that resulted in an adverse action appealable to the MSPB.

**F. File a grievance under the administrative grievance procedure**

1. Employees may file an administrative grievance if they believe the denial of their request is based on a reason other than discrimination. Such a grievance must be filed within 15 calendar days following the date of the decision.
2. If an employee or job applicant files a formal EEO complaint, they may not file a grievance on the same matter.

**VI. INFORMATION TRACKING AND RECORD RETENTION**

**A. Information Tracking**

1. The RAC is responsible for maintaining accurate reasonable accommodation records, tracking trends, and/or complying with various initiatives and reporting requirements requested or mandated by, but not limited to the Office of Personnel Management and/or EEOC.
2. The reporting requirements do not disclose a medical condition nor reveal the name of an employee that is being accommodated. Reporting efforts are intended to demonstrate and highlight the agency's proactive efforts in support of persons with disabilities. EEOC requires that reporting data include the following information:
  - The number and types of accommodations requested and whether those requests were granted or denied.

- The specific jobs (including occupational series, grade level, and ABMC component) for which reasonable accommodation has been requested.
- The types of reasonable accommodations that have been requested for each of those jobs.
- The number and types of reasonable accommodations for each job and by each ABMC component that have been approved.
- The number and types of reasonable accommodations for each job and by each ABMC component that have been denied.
- The number and types of requests for reasonable accommodations that relate to the benefits or privileges of employment, including whether the accommodation was needed to apply for a job or perform the essential functions of a job, and whether or not those requests were granted or denied.
- The reasons for denials of requests for reasonable accommodation.
- Amount of time taken to process each request for reasonable accommodation.
- The source(s) of technical assistance consulted in identifying a reasonable accommodation.

**B. Records Retention**

1. General information regarding reasonable accommodation requests, including tracking information and reports on requests made and granted, will be retained by ABMC for at least three years for use in determining whether the agency is complying with nondiscrimination and affirmative action requirements, and to make such records available to the EEOC upon request.
2. ABMC shall keep records related to a particular individual who has requested a reasonable accommodation for the duration of that individual's employment.

**VII. COSTS**

1. Components are responsible for funding reasonable accommodations for their employees except that a unit sponsoring a meeting, training, or program is responsible for providing and funding accommodations related to its event. If funding is not available, the Deciding Official must request funds by contacting the RAC.
2. If a Deciding Official believes they are unable to accommodate because of undue hardship, they must contact the RAC before denying the employee's request for accommodation. All determinations of undue hardship will be reviewed by the

DEPM in consultation with OGC before notification is sent to the employee. If the requested accommodation constitutes an undue hardship, the Deciding Official and the individual with a disability must attempt to identify another alternative that would not impose such a hardship.

3. Reasonable accommodation requests shall not be denied for reasons of cost, and individuals with disabilities shall not be excluded from employment due to the anticipated cost of reasonable accommodation, if the agency as a whole has sufficient resources, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, that would enable it to provide an effective reasonable accommodation without undue hardship. At a minimum:
  - a. The DEPM shall ensure that anyone authorized to grant or deny requests for a reasonable accommodation or make hiring decisions is aware that, according to regulations implementing the undue hardship defense, all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodation, are considered when determining whether a denial of reasonable accommodation based on cost is lawful; and
  - b. The DEPM will ensure that everyone authorized to grant or deny requests for a reasonable accommodation or make hiring decisions is aware of and knows how to arrange the use of agency resources available for accommodation, including any central fund the agency may have for that purpose.
  - c. The DEPM shall ensure that everyone authorized to grant or deny reasonable accommodation requests are aware of the resource materials available on the EEOC public website (See Appendix A-Selected Resources).

## **VIII. AUTHORITIES AND DEFINITIONS**

### **A. Authorities**

1. 29 U.S.C. 791 Sections 501, 504, and 508 of the Rehabilitation Act of 1973, as amended
2. Executive Order 13164 of July 26, 2000, Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation
3. 29 U.S.C. 794d, Electronic and Information Technology
4. 38 U.S.C 4214, Section 403 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended
5. 29 CFR 1614.105, 1614.106, 1614.203 and 1614.204, Federal Sector Equal Opportunity

6. Executive Order 12106 of December 28, 1978, Transfer of Certain Equal Employment Enforcement Functions
7. Executive Order 13164
8. EEOC Enforcement Guidance: Reasonable Accommodation of March 1, 1999
9. EEOC Guidance on Reasonable Accommodation
10. EEOC Guidance on Disability-Related Inquire of July 27, 2002
11. EEOC Management Directive (MD) 715
12. Americans with Disabilities Act of 1990

## **B. Definitions**

1. **Deciding Official:** The ABMC official responsible for determining eligibility for Reasonable Accommodation and for granting or denying a request for Reasonable Accommodation. The Deciding Official for employees is generally the requestor's supervisor; the Deciding Official for job applicants seeking reasonable accommodation to perform the duties of the position for which they are applying is generally the applicant's prospective supervisor; the Deciding Official for ABMC job applicants requesting reasonable accommodation for any part of the application process is the Human Resources Specialist handling the recruitment.
2. **Disability:** A person has a disability if the person has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having a physical or mental impairment that is not transitory and minor, even if the person does not have such an impairment.
3. **Employee:** A current federal or Private Fund employee, including permanent and temporary, full-time and part-time, and paid interns. Unpaid interns, contractors, and volunteers are not employees.
4. **Essential Function:** A fundamental job duty of the employment position that the individual with a disability holds or desires; does not include a marginal function of a position. A function may be essential if, among other things, the position exists specifically to perform that function, there are a limited number of employees available to perform the function, or the function is highly specialized, and the employee was hired based on their expertise or ability to perform that function.
5. **Genetic Information:** As defined in the Genetic Information Nondiscrimination Act of 2008 (GINA), genetic information includes an individual's genetic tests; the genetic tests of that individual's family members; and the manifestation of disease or disorder in family members of the individual (family medical history). Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or

a family member of the individual; or the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual, and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

6. **Interactive Process:** The process through which the Deciding Official and/or Reasonable Accommodation Coordinator and the individual requesting a reasonable accommodation discuss a possible accommodation to reach a reasonable, fair, and appropriate resolution. The process includes communicating about the precise nature of the individual's limitations that prompted the accommodation request, and an alternative accommodation that may be effective in meeting the individual's needs.
7. **Light Duty Assignment:** Temporary assignment that eliminates certain physically demanding duties that are essential functions of an employee's position.
8. **Major Life Activities:** Major life activities include, but are not limited to:
  - a. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working.
  - b. The operation of major bodily functions including functions of the immune special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.
9. **Qualified Individual:** An individual who satisfies the skill, experience, education, and other job-related requirements related to the position that the individual currently holds or is applying for, and who can perform the position's essential functions with or without reasonable accommodation.
10. **Reasonable Accommodation:** Any modification or adjustment in the work environment, the way a job is customarily performed, or the job application process that would enable a qualified individual with a disability to perform the essential functions of a position, to apply for a position, or to enjoy the benefits and privileges of working at ABMC in the same manner as an individual without a disability.
11. **Reasonable Accommodation Coordinator:** Designated official in the office of the Chief of Human Resources and Administration who is responsible for determining whether or not an individual has a disability or targeted disability and assists Deciding Officials in processing reasonable accommodation requests.
12. **Reassignment:** A form of reasonable accommodation whereby an employee who can no longer perform the essential functions of the employee's current position is reassigned to a vacant position for which the employee is qualified and can perform the essential functions with or without an accommodation.

13. **Rehabilitation Act of 1973:** Federal law that prohibits Federal employers from discriminating against job applicants or employees based on disability. The Rehabilitation Act incorporates the standards applied under Title I of the Americans with Disabilities Act of 1990 (ADA) for determining whether an accommodation must be provided.
  
14. **Targeted Disability:** Any disability that is listed on the Office of Personnel Management (OPM) Standard Form 256. The federal government identifies the targeted disabilities listed below for special emphasis in affirmative employment.
  - a. Developmental disability; for example, autism spectrum disorder
  - b. Traumatic brain injury
  - c. Deafness or serious difficulty hearing, benefiting from, for example, American Sign Language, CART, hearing aids, cochlear implant, and/or other supports
  - d. Blindness or serious difficulty seeing, even when wearing glasses
  - e. Missing extremities (arm, leg, hand, and/or foot)
  - f. Significant mobility impairment, benefiting from the use of a wheelchair, scooter, walker, leg brace, and/or other supports
  - g. Partial or complete paralysis
  - h. Epilepsy or other seizure disorders
  - i. Intellectual disability
  - j. Significant psychiatric disorder, for example, bipolar disorder, schizophrenia, PTSD, or major depression
  - k. Dwarfism
  - l. Significant disfigurement, caused for example by burns, wounds, accidents, or congenital disorders
  
15. **Undue Hardship:** Significant difficulty or expense that would be incurred by ABMC in providing an accommodation, after considering such factors as the nature and net cost of the accommodation, and ABMC's overall financial resources and operations, including the impact on the agency's ability to conduct business and the ability of other employees to perform their duties.

#### **ATTACHMENTS:**

- A. Selected Resources
  
- B. Reasonable Accommodation Forms:
  - ABMC Form 13.5A - Request for Reasonable Accommodation
  - ABMC Form 13.5B - Confirmation of Reasonable Accommodation Request
  - ABMC Form 13.5C - Denial of Reasonable Accommodation Request
  - ABMC Form 13.5D - Reasonable Accommodation Request Tracking

## **Appendix A – Selected Resources**

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The Equal Employment Opportunity Commission is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, or genetic information. Supervisory and managerial employees must be aware of resource materials available on the EEOC public website. Resource materials available from EEOC and other selected sources include:

### **Equal Employment Opportunity Commission (EEOC)**

(800) 669-4000 (voice)

(800) 669-6820 (TTY)

(844) 234-5122 (ASL video phone)

[www.eeoc.gov](http://www.eeoc.gov)

The EEOC provides resource materials on their website, including but not limited to EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (July 27, 2000), and EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act (revised October 17, 2002). Both documents address frequently asked questions regarding the provision of reasonable accommodation and related issues, including when and what type of medical documentation may be solicited by an agency in support of an accommodation request, the confidentiality protections applicable to accommodation requests and medical information, and the circumstances in which undue delay in providing reasonable accommodation may violate the Rehabilitation Act.

### **Computer/Electronic Accommodations Program (CAP)**

703-614-8416 (Voice)

571-384-5629 (Videophone)

[www.cap.mil](http://www.cap.mil)

Through an agreement with ABMC, the Department of Defense's Computer/Electronic Accommodations Program provides a wide variety of assistive technology devices and services for people with disabilities. Frequently requested accommodation solutions include videophones, captioning for training videos, print enlargers, screen readers, alternative keyboards, pointing devices, and speech recognition software. The CAP Technology Evaluation Center (CAPTEC) contains several computer workstations equipped with a wide variety of technology designed to accommodate persons with disabilities. CAPTEC is available to Smithsonian employees and their supervisors so that they can evaluate and become familiar with assistive technology and facilitate the process of choosing the appropriate equipment.

### **Job Accommodation Network (JAN)**

800-526-7234 (Voice)

<https://askjan.org>

The Job Accommodation Network (JAN) is the leading source of free, expert, and confidential guidance on workplace accommodations and disability employment issues. Working toward practical solutions that benefit both employer and employee, JAN helps people with disabilities enhance their employability and shows employers how to capitalize on the value and talent that people with disabilities add to the workplace.

### **Employer Assistance and Resource Network on Disability Inclusion (EARN)**

<http://www.askearn.org>

[askearn@viscardicenter.org](mailto:askearn@viscardicenter.org)

EARN is a free Federal Government resource that educates employers on the value of hiring, retaining, and advancing people with disabilities. EARN provides information on disability employment topics including disability hiring initiatives, connecting with local disability service providers, and making disability part of an organization's diversity and inclusion efforts.

### **Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TTY)

[www.rid.org](http://www.rid.org)

The Registry offers information on locating and using interpreters and transliteration services.

### **RESNA Technical Assistance Project**

(703) 524-6686 (Voice)

<http://www.resna.org>

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- information and referral centers to help determine what devices may assist a person with a disability (including access to large databases containing information on thousands of commercially available assistive technology products),
- centers where individuals can try out devices and equipment,
- assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.

### **[www.Disability.gov](http://www.Disability.gov)**

Federal government website for people with disabilities. Contains disability-related resources on programs, services, laws, and regulations to help people with disabilities lead full, independent lives. Offers information on a variety of topics, including benefits, civil rights, community life, education, emergency preparedness, employment, housing, health, technology, and transportation.

### **ABMC Reasonable Accommodation Coordinator**

Located in the office of Human Resources and Administration. Provides guidance and assistance to Deciding Officials and accommodation requesters.

## **Appendix B – ABMC Reasonable Accommodation Forms**

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13.5A – Request for Reasonable Accommodation

13.5B – Confirmation of Reasonable Accommodation Request

13.5C – Denial of Reasonable Accommodation Request

13.5D – Reasonable Accommodation Request Tracking

## Request for Reasonable Accommodation

|  |                          |                                 |                          |                    |                          |
|--|--------------------------|---------------------------------|--------------------------|--------------------|--------------------------|
| Name of Employee/Applicant   |                          | Employee                        | <input type="checkbox"/> | Applicant          | <input type="checkbox"/> |
| Division or Department   |                          |                                 |                          |                    |                          |
| Date of Request  |                          | Phone                           |                          |                    |                          |
| Name of Third-Party Requester (if applicable)  |                          |                                 | Phone                    |                    |                          |
| Relationship of Third-Party Requester to Employee/Applicant  |                          |                                 |                          |                    |                          |
| <b>Accommodation requested</b> (Check type and explain in the space below)   |                          |                                 |                          |                    |                          |
| Adaptive equipment   | <input type="checkbox"/> | Schedule change                 | <input type="checkbox"/> | Interpreter        | <input type="checkbox"/> |
| Workspace modification   | <input type="checkbox"/> | Leave                           | <input type="checkbox"/> | Reassignment       | <input type="checkbox"/> |
| Restructure job duties   | <input type="checkbox"/> | Work at home                    | <input type="checkbox"/> | Light/limited duty | <input type="checkbox"/> |
| Breaks   | <input type="checkbox"/> | Other (describe in space below) |                          |                    | <input type="checkbox"/> |
| <b>Personal Assistance Services (PAS) requested</b> (Check the box and describe in the space below)                |                          |                                 |                          |                    | <input type="checkbox"/> |
| <b>Explanation/Description of Accommodation requested</b>  |                          |                                 |                          |                    |                          |
|  |                          |                                 |                          |                    |                          |
| <b>Reason for the request</b> (Describe in the space below. If requesting modified duties, describe restrictions.) |                          |                                 |                          |                    |                          |
|  |                          |                                 |                          |                    |                          |
| <b>If the accommodation is time-sensitive, provide the date by which a response is needed.</b>                     |                          |                                 |                          |                    |                          |
| <b>Indicate if medical documentation is attached by checking the appropriate box.</b>                              |                          |                                 |                          | Yes                | <input type="checkbox"/> |
|  |                          |                                 |                          | No                 | <input type="checkbox"/> |
| ABMC Form 13.5A - Request for Reasonable Accommodation   |                          |                                 |                          |                    |                          |

## Confirmation of Reasonable Accommodation Request

(To be completed by the Deciding Official or Reasonable Accommodation Coordinator)

|  |                          |                 |  |
|--|--------------------------|-----------------|--|
| Name of Employee/Applicant   |                          | Phone           |  |
| Division or Department   |                          | Date of Request |  |
| <b>Accommodation approved</b> (Check type and describe in the space below)   |                          |                 |  |
| Adaptive equipment   | <input type="checkbox"/> | Schedule change | <input type="checkbox"/>                                 |
| Workspace modification   | <input type="checkbox"/> | Leave           | <input type="checkbox"/>                                 |
| Restructure job duties   | <input type="checkbox"/> | Work at home    | <input type="checkbox"/>                                 |
| Breaks   | <input type="checkbox"/> | Other: _____    |  |
|  |                          |                 |  |
| If accommodation approved is different from the accommodation requested, explain why in the space below .  |                          |                 |  |
|  |                          |                 |  |
| Periodic review is necessary to ensure the ongoing necessity and effectiveness of accommodation or services. The Reasonable Accommodation Coordinator and supervisor must establish a schedule for periodic review of the accommodation. |                          |                 | Review Schedule:   |
| Was medical documentation required?  |                          |                 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Was medical documentation received?  |                          |                 | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Name of Deciding Official  |                          |                 |  |
| Signature of Deciding Official   |                          |                 |  |
| Date Reasonable Accommodation approved   |                          |                 |  |
| Date Reasonable Accommodation provided   |                          |                 |  |
| <b>NOTE: Medical documentation is required if the employee or applicant's functional limitation and need for accommodation are not obvious.</b>  |                          |                 |  |
| ABMC Form 13.5B - Confirmation of Reasonable Accommodation Request   |                          |                 |  |

## Denial of Reasonable Accommodation

(To be completed by the Deciding Official or Reasonable Accommodation Coordinator)

|  |  |                 |  |
|--|--|-----------------|--|
| Name of Employee/Applicant                                   |  | Phone Number    |  |
| Division or Department                                       |  | Date of Request |  |
| Type(s) of Accommodation Requested (Describe in space below) |  |                 |  |
|  |  |                 |  |

The basis for denial of accommodation (Check all that apply)

- Requester not eligible for accommodation or services
- Accommodation would be ineffective
- Accommodation would cause undue hardship to ABMC
- Medical documentation does not support the need for accommodation
- The requester would be unable to perform any essential job function, even with accommodation
- The requester would create a direct threat to safety on the job, even with accommodation
- Other (describe below)

State the specific reason(s) for the denial of the requested accommodation or services. Explain why the requested accommodation is ineffective or causes undue hardship to the agency.

Was a different accommodation or service offered?

Yes  No

If yes, describe the offered accommodation in the space below.

---

**NOTICE TO INDIVIDUAL REQUESTING REASONABLE ACCOMMODATION:**

**If you wish to request reconsideration of this decision, you may take the following steps:**

- Ask the Deciding Official to reconsider his denial. You may present additional information to support your request.
- Use existing procedures for informal dispute resolution that include any of the following processes: review by a second line supervisor or review by another neutral party.

**Reconsideration, Review, and Use of Alternative Resources do not affect the time limits for initiating statutory claims. An individual’s participation in informal dispute resolution processes will neither satisfy nor delay time restrictions of the formal processes indicated below.**

**If you wish to file an EEO complaint or pursue MSPB procedures, you must take the following steps:**

- For an EEO complaint: You must contact an ABMC EEO Counselor within 45 calendar days from the date of denial of the accommodation request to begin the EEO process in accordance with 29 CFR Part 1614.
- Where the denial of a request results in an adverse action, you may initiate an appeal to the Merit System Protection Board within 30 days of an appealable adverse action, as defined in 5 C.F.R. §§ 1201.3.
- For an Administrative Grievance: If you believe that your request was denied for a reason other than discrimination, you may file an administrative grievance within 15 calendar days following the date of the denial of accommodation decision per ABMC policy.

|                           |                                |                                    |
|---------------------------|--------------------------------|------------------------------------|
| Name of Deciding Official | Signature of Deciding Official | Date Accommodation Request Denied: |
|---------------------------|--------------------------------|------------------------------------|

**I acknowledge that I have read the above information concerning my accommodation request.**

\_\_\_\_\_  
Signature of Requester

\_\_\_\_\_  
Date

ABMC Form 13.5C - Denial of Reasonable Accommodation Request

## Reasonable Accommodation Request Tracking

(To be completed by the Reasonable Accommodation Coordinator)

|   |             |              |
|---|-------------|--------------|
| <b>Specific reasonable accommodation requested:</b>   |             |              |
| <b>Accommodation Granted (if not as requested):</b>   |             |              |
| <b>Date of Request:</b>   |             |              |
| Organization and duty station of individual requesting accommodation:   |             |              |
| Job Title of Requester:   | Job Series: | Grade Level: |
| Accommodation needed to:<br><input type="checkbox"/> Apply for job<br><input type="checkbox"/> Perform essential functions of a job<br><input type="checkbox"/> Enjoy the benefits and privileges of employment |             |              |
| Disposition of Accommodation Request:<br><input type="checkbox"/> Granted<br><input type="checkbox"/> Denied  |             |              |
| Name and Title of Deciding Official:  |             |              |
| Comments:   |             |              |
| ABMC Form 13.5D - Reasonable Accommodation Request Tracking   |             |              |